

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL EQUITY INVESTMENTS,
INC., ET AL.,

Plaintiffs,

- against -

OPPORTUNITY EQUITY PARTNERS, LTD.,
ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

The Court has received the Objection by Intervenor Luis Roberto Demarco Almeida ("Demarco") to the Opinion and Order of Magistrate Judge Ellis dated March 2, 2010, which granted Demarco's motion to intervene but denied his motion to modify the confidentiality Order in this case to allow him to access to certain documents.

The Objection is **overruled**. There is nothing clearly erroneous or contrary to law in the Magistrate's Judge's Opinion and Order and that Order was a proper exercise of the Magistrate Judge's discretion, particularly in view of his findings of reliance by the parties in the action on the confidentiality Order and the lack of a persuasive purpose by Demarco for obtaining the documents. See Fed. R. Civ. P. 72(a).

The Court has also received the subsequent letter by counsel for Demarco dated April 6, 2010 in which counsel seeks

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05 Civ. 2745 (JGK)

MEMORANDUM OPINION
AND ORDER

to supplement the record, either before the Magistrate Judge or before this Court. There is nothing in the letter that undercuts the Magistrate Judge's conclusion. Counsel for Demarco points out that certain confidential documents were inadvertently filed in the public record and thereafter filed under seal. Counsel for Demarco points out that Demarco currently has those documents and they are not the subject of the motion. The chronology does not warrant supplementing the record and does not undercut the Magistrate Judge's findings. The letter demonstrates that the parties placed the records under seal when the error became known, and Demarco's counsel acknowledges that these specific documents could no longer be subject to the motion because Demarco has them. The motion to supplement the record is **denied**.

SO ORDERED.

Dated: New York, New York
April 10, 2010



John G. Koeltl
United States District Judge